

Attorney Docket No: 1171/43247/160-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Tebbutt et al. )  
 For: MOUTHPIECE )  
 Serial No.: 10/538,239 )  
 Filed: June 3, 2005 )  
 Art Unit: Not Yet Assigned )  
 Atty Docket No.: 1171/53247/160-PCT-US )

|   |                        |
|---|------------------------|
| CERTIFICATE OF MAILING BY "EXPRESS MAIL"  |                        |
| MAILING LABEL NUMBER:   | <u>FL984/33547US</u>   |
| DATE OF DEPOSIT:  | <u>January 3, 2006</u> |
| I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE BOX ADDRESSEE" SERVICE UNDER 35 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450. |                        |
| <u>Jiffany E. Sexton</u><br>Jiffany E. Sexton   |                        |

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Commissioner For Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
**MAIL STOP: MISSING PARTS**

Sir:

The above-noted application was filed on June 3, 2005, via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts issued.

In response to the aforementioned Notice, please find enclosed herewith the following:

- a. Original Declaration and Power of Attorney for Patent Application, executed by the inventors, Lewis George Gradon; Alastair Edwin McAuley; Mark Joseph Haycock; Adam Alexander Tebbutt; and Blair Albert Neal.
- b. A copy of the aforementioned Notice to File Missing Parts of Application
- c. A check in the amount of \$130.00 for payment of the filing of the executed Declaration and Power of Attorney.

01/10/2006 ATRAN1 00000129 10538239

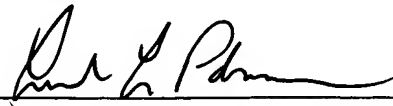
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130.00 DP

If the afore-mentioned check is missing or insufficient, the Commissioner is hereby authorized and requested to charge Deposit Account No. 20-1495 for any amount necessary to cover any costs associated with this Response or to credit any overpayment.

Respectfully submitted,

Dated: January 3, 2006

By:   
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UNITED STATES PATENT AND TRADEMARK OFFICE

*F.P.H. Case 160-PCT-US*

UNITED STATES DEPARTMENT OF COMMERCE  
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P.O. Box 1450  
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|                             |                        |                       |
|-----------------------------|------------------------|-----------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT  | ATTY. DOCKET NO.      |
| 10/538,239                  | Adam Alexander Tebbutt | 1171/43247/160-PCT-US |

279  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 WEST ADAMS STREET  
SUITE 3600  
CHICAGO, IL 60603

**RECEIVED**  
NOV 18 2005

**TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.**

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/NZ03/00269                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 12/05/2003                    | 12/06/2002    |

**CONFIRMATION NO. 3586  
371 FORMALITIES LETTER**

\*OC000000017448699\*

Date Mailed: 11/14/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/03/2005
- Copy of the International Search Report filed on 06/03/2005
- Copy of IPE Report filed on 06/03/2005
- Preliminary Amendments filed on 06/03/2005
- Information Disclosure Statements filed on 06/03/2005
- Oath or Declaration filed on 06/03/2005
- Request for Immediate Examination filed on 06/03/2005
- U.S. Basic National Fees filed on 06/03/2005
- Priority Documents filed on 06/03/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO.      |
|-----------------------------|-------------------------------|-----------------------|
| 10/538,239                  | PCT/NZ03/00269                | 1171/43247/160-PCT-US |